REMARKS

This is in response to the <u>Final Office Action</u> mailed August 10, 2005. The <u>Final Office Action</u> rejected Applicant's Claims 1-4, 8-22 and 24-38 as being obvious in view of the combination of US Pat. No. 5,845,067 ("Porter") and US Pat. No. 6,237,786 ("Ginter"). Additionally, the <u>Final Office Action</u> rejected Claims 5-6, 23 and 39 as obvious in view of Porter, Ginter and US Pat. No. 5,951,620 ("Ahrens").

Applicant respectfully requests the Examiner to reconsider the pending Claims of the present application in view of the following remarks. Applicant submits that all pending claims are in condition for allowance.

<u>Claim 1</u>

Applicant's independent Claim 1 relates to a method for distribution of data products to end users. Claim 1 recites obtaining a first portion of the data product from a first location and obtaining a second portion of the data product from a second location. The method further recites combining the first portion and the second portion at the second location. Claim 1 is not obvious in view of the combination of Porter and Ginter because the combination fails to disclose or suggest the recited claim element of wherein the step of combining is performed at the second location.

The <u>Final Office Action</u> indicated that Porter did not disclose that the combining is performed at the second location and cited Ginter as disclosing this claim element. (<u>see</u>, <u>Final Office Action</u>: page 3). Specifically, the <u>Final Office Action</u> stated that Ginter teaches "that there can be many different ways to store information, as well as to combine information, one of the methods including combining at the second location." Applicant respectfully points out that Ginter does not disclose that the combining is performed at the second location.

Briefly, the Ginter patent discloses an electronic commerce transaction and/or distribution control system. The Ginter system provides a "virtual distribution environment" ("VDE") that manages, secures and administers electronic information use. (<u>See</u>, Ginter: column 2, lines 22-34.) The Ginter system allows a customer to use a VDE object, such as an electronic newspaper, while preventing unauthorized use by another person.

The portion of the Ginter patent cited by the <u>Final Office Action</u> relates to a repository

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or a location at which authors may provide content that he or she intends to be made available to end users. (*See*, Ginter: column 285, lines 45-46, column 286, lines 6-10.) According to Ginter, the author registers with the repository and provides registration information including where the content is to be located. For example, "stored at the repository, stored at the author 3306A's location, stored elsewhere, or some combination of locations" such as at both the repository and the author's location. (*See*, Ginter: FIG. 78, column 288, lines 45-46, 60-63.) After receiving the registration information, the repository determines whether to place the content within content storage at the repository or to reference with a location pointer. In addition to storing or referencing the content, the repository makes notes of characteristics associated with the content such as authorization, billing, payments, disbursements and/or audits of usage information. (*See*, Ginter: column 290, lines 15-33.)

Ginter fails to disclose the claim element of combining at the second location. Rather, the Ginter patent merely discloses that content may be stored at the repository, at the author's location, at another location or at a combination of locations. The disclosure of "combination of locations" does not mean the recited claim element of "wherein said step of combining is performed at said second location." In contrast, the "combination of locations" means that the content may be stored at all of the identified locations, at three of the location, at two of the locations and so on. Not only does Ginter fail to disclose the claim element of "wherein said step of combining is performed at said second location," but Ginter also teaches away from this claim element because the content is provided to and stored in the repository or a pointer at the repository indicates where the content is stored.

For at least the above reasons, Claim 1 is not obvious in view of the combination of Porter and Ginter. Thus, independent Claim 1 is in condition for allowance.

Claim 8

Applicant's independent Claim 8 relates to a system for distribution of data products to end users. Claim 8 recites "wherein said step of combining is performed at a location of said one of said plurality of data distribution terminals." For similar reasons stated above in conjunction with Claim 1, the combination of Porter and Ginter fails to disclose or suggest this claim element. For at least these reasons, Claim 8 is not obvious in view of the combination of Porter and Ginter. Thus, independent Claim 8 is in condition for allowance.

Claim 24

Applicant's independent Claim 24 relates to a method for conveying a data product. Claim 24 recites encrypting the first portion of the data product, sending the encrypted first portion to a second entity and at the second entity, recording onto a storage medium the encrypted first portion and the second portion. Claim 24 is not obvious in view of the combination of Porter and Ginter because the combination fails to disclose or suggest the recited claim element of the recording the encrypted first portion and the second portion at the second entity.

The Final Office Action indicated that Porter did not disclose recording the encrypted first portion and the second portion at the second entity and cited Ginter as disclosing this claim element. (see, Final Office Action: page 6). Specifically, the Final Office Action stated that Ginter teaches "that there can be many different ways to store information, as well as to combine information, one of the methods including combining at the second location." As discussed above, Applicant respectfully points out that Ginter does not disclose that the combining is performed at the second location.

The portion of the Ginter patent cited by the Final Office Action relates to where content may be stored; for example, "stored at the repository, stored at the author 3306A's location, stored elsewhere, or some combination of locations" and whether to place the content at the repository or to reference the content by a location pointer. (See, Ginter: column 288, lines 60-63, column 290, lines 15-33.) Ginter fails to disclose the claim element of recording the encrypted first portion and the second portion at the second entity. Rather, the Ginter patent merely discloses that content may be stored at the repository, at the author's location, at another location or at a combination of locations. The disclosure of "combination of locations" does not mean the recited claim. In contrast, the "combination of locations" means that the content may be stored at all of the identified locations, at three of the location, at two of the locations and so on. Not only does Ginter fail to disclose the recited claim element, but Ginter also teaches away from this claim element because the content is provided to and stored in the repository or a pointer at the repository indicates where the content is stored.

For at least the above reasons, Claim 24 is not obvious in view of the combination of Porter and Ginter. Thus, independent Claim 24 is in condition for allowance.

Claim 10

Applicant's independent Claim 10 relates to a system for conveying a data product. Claim 10 recites a first set of logic executable by the first entity to encrypt the first portion, wherein the first entity sends the encrypted portion to the second entity. Additionally, Claim 10 recites a second set of logic executable by the second entity to record onto a storage medium the encrypted first portion and the second portion. For similar reasons stated above in conjunction with Claim 24, the combination of Porter and Ginter fails to disclose or suggest this claim element. For at least these reasons, Claim 10 is not obvious in view of the combination of Porter and Ginter. Thus, independent Claim 10 is in condition for allowance.
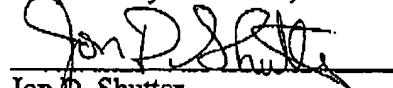
Applicant's dependent Claims 2-6, 9, 11-23 and 25-39

Applicant's dependent Claims 2-6, 9, 11-23 and 25-39 are allowable at least for the reason that they depend upon allowable base claims. In addition, these claims include features that are not disclosed by the cited references.

Conclusion

With the present response, all the issues in the Final Office Action mailed August 10, 2005 have been addressed. Applicant submits that the present application has been placed in condition for allowance. If any issues remain, the Examiner is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,

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